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Chairman: Mr. Al Bayati (Chairman) ..... (Iraq)

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The meeting was called to order at 10.30 a.m.

Agenda item 67: Promotion and protection of human rights (*continued*) (A/61/36, 97, 220 and 280)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/61/211, 267, 281, 287, 289, 306, 311, 312, 324, 325, 338, 340, 348, 352, 353, 384, 464, 465, 476, 506 and 513)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/61/276, 349, 360, 369, 374, 469, 470, 475, 489, 504 and 526)

1. **Ms. Tincopa** (Peru) said that, over the preceding decades, human rights had become a universal priority. With the creation of the Human Rights Council, the international community had committed itself to respecting and protecting human rights in the broadest sense.

2. In recent years, Peru had taken steps to stabilize the country and strengthen its democratic structures. It had made significant progress in combating corruption and impunity and in modernizing its judiciary. Special rapporteurs had visited Peru in the previous two years under a standing invitation. The Government was examining how best to implement the recommendations made by the Special Rapporteur on the right to health after his recent visits.

3. Three issues were of fundamental importance. The first was poverty, which had been a long-standing problem in Peru and was one of the main targets of the current Government's policies. Accordingly, Peru was again proposing a draft resolution that would reaffirm that extreme poverty and social exclusion constituted a violation of human dignity, and needed to be eradicated.

4. The second issue was the promotion and protection of the rights of the most vulnerable groups, especially indigenous populations. Peru was committed to developing political strategies that would enhance ethnic plurality and promote the development and participation of indigenous peoples. Peru had chaired the negotiations culminating in the draft United Nations Declaration on the Rights of Indigenous Peoples and was one of the countries working towards having it adopted by the General Assembly.

5. The third issue was the rights of persons with disabilities. Peru supported the speedy adoption by the General Assembly of the draft International Convention on the Rights of Persons with Disabilities so that Member States could begin the ratification process.

6. Peru sought to strengthen the international human rights system out of its conviction that the purpose of the State was, indeed, to protect the rights of its citizens.

7. **Mr. Saidov** (Uzbekistan) found it regrettable that although the United Nations human rights machinery had undergone reform, human rights issues continued to be politicized. At the second session of the Human Rights Council, some countries had continued the discredited practice of applying double standards and selectively targeting certain countries. If equality and mutual respect were fundamental principles of the United Nations, then they should apply equally to all Member States.

8. Uzbekistan was bewildered by the unfounded assertions about the Andijan events. The Office of the United Nations High Commissioner for Human Rights (OHCHR) was either pretending not to have any information or intentionally ignoring the facts with the aim of discrediting Uzbekistan and exerting political pressure on the country. Uzbekistan had informed OHCHR about the investigation and court hearings and had sent a letter on the matter to the Secretary-General (A/60/914).

9. As a full-fledged Member of the United Nations, Uzbekistan was entitled to make decisions about matters within its own jurisdiction. It therefore reiterated its astonishment at the calls of OHCHR for an international investigation of the events of May 2005. Uzbekistan's proposal on cooperation in monitoring its investigation had been rejected by the very countries that were now demanding an international investigation.

10. Central Asian countries often experienced difficulties when seeking support and understanding from OHCHR. One example could be seen in the regional project on Central Asia: though the first stage had been successfully implemented four years earlier, OHCHR had still not provided plans for the second

stage, even though all of the participants had expressed their willingness to proceed. Another example was the appointment of Ms. Matilda Bogner as the regional representative despite opposition from the countries in the region.

11. He asked whether it was proper to submit country-specific draft resolutions in the Third Committee that had not been considered by the Human Rights Council, given that the Council was the main United Nations human rights body. Some countries, acting on purely political motives, were intent on bypassing the Council in that manner. Another matter of concern was the proliferation of special rapporteurs and independent experts, which further complicated the United Nations special procedures on human rights. It was important to strengthen international cooperation on human rights on the basis of equality, objectivity, non-selectivity and dialogue.

12. **Mr. Chernenko** (Russian Federation) said that concerted efforts were required to protect human rights throughout the world, without the exclusion of any States. The barriers to achieving that goal in certain countries lay in the different methods used. Those methods could be broadly characterized as the "carrot" and the "stick". The "stick" method had been discredited because it failed to respect States' equality, territorial integrity and sovereignty or to account for the specific characteristics of individual States, and thus had led to a double standard.

13. The unilateral measures taken had done more harm than good, based as they were on narrow and subjective notions of "universal values". They had been taken by States that were themselves far from having spotless human rights records, demonstrating once again how inappropriate it was to divide States into "teachers" and "pupils". Such an approach undermined confidence in the values of the Universal Declaration of Human Rights. The Russian Federation did not rule out stern measures taken in extraordinary circumstances once all other means had been exhausted, but they must derive from a collective decision by Member States. To achieve real change, it was necessary to come to grips with the socio-economic causes that lay behind human rights violations. That in turn required greater dialogue and cooperation between States, together with increased technical assistance.

14. The creation of the Human Rights Council was a good step toward the transformation of the United Nations human rights machinery. It was unlikely that the Council would manage to avoid politicization of its work, not because that was the legacy of the Commission on Human Rights but because it was a factor in the work of any United Nations body. Nevertheless, politicization could be limited, thanks to the universal periodic — review mechanism. The procedures and methods of the Council still had to be laid down, and the Russian Federation was determined to take a very active role in that process.

15. It was the duty of the international community to assist the High Commissioner for Human Rights in her efforts to depoliticize the human rights agenda. The Russian Federation would support OHCHR with an annual voluntary contribution of $2 million. It also welcomed the High Commissioner's decision to correct some of the age-old problems of OHCHR, including the geographical bias within its staff toward one regional group.

16. One of the gravest current threats to human rights was terrorism. Nothing could justify committing human rights violations, and any attempt to distinguish terrorists as "good" and "bad", "ours" and "theirs" was unacceptable. The views of the Russian Federation were reflected in the draft resolution on hostage-taking that it would be proposing to the Third Committee during the current session.

17. The world had still not cleared away all of the obstacles to achieving universal human rights standards. Nevertheless, human rights had gained enormous significance in recent years, and it was up to the United Nations to create a new human rights architecture for the good of all.

18. **Mr. Nguyen Tat Thanh** (Viet Nam) said that improving the effective enjoyment of human rights meant doing what mattered most for the people. The creation of the Human Rights Council and the drafting of the Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities represented improvements in international institutions. The Human Rights Council must be free from bias, selectivity and double standards if it was to live up to expectations, and must be ruled by objectivity and a spirit of dialogue and cooperation. States parties to the Convention must fulfil their commitments with the support of effective international cooperation. Real

results for people would come much later, however, with its practical implementation.

19. At the individual level, people suffering from poverty and hunger did not feel the influence of the Council and treaties on their lives. He wondered what rights might matter most to the grief-stricken parents of a child who had died from malnutrition. It was shameful that the international community could not guarantee the basic right to existence even as it talked about improving the effective enjoyment of other human rights. The right to food was a human right and must be a core obligation alongside the obligation to eradicate extreme poverty. Governments and the international community shared the responsibility for fulfilling it. His delegation therefore appreciated the initiatives taken by OHCHR on development and on combating poverty, as well as the theme of "Poverty and Human Rights" adopted for Human Rights Day 2006.

20. Promoting human rights was conducive to sustainable development. For that reason, Viet Nam took a people-centred approach in its development policies and was doing its best, with limited resources, to ensure a better life for all its people both materially and spiritually. While maintaining the annual growth of the gross domestic product at around 8 per cent, Viet Nam was devising measures to ensure food security and socio-economic development for people in the poorest remote and mountainous areas. People were encouraged to participate in the process to ensure that policies reflected what mattered most to them.

21. In spiritual matters, freedom of religion and beliefs had been strengthened in recent years. All religions enjoyed equal treatment and freedom of practice. Some 20 million Vietnamese adhered to one religion or another, and the country had an abundance of religious dignitaries, places of worship and teaching facilities. It was encouraging to see religious figures and organizations contributing to national development by promoting social welfare, engaging in disaster-mitigation activities and contributing to the cultural identity of the nation. Viet Nam would continue to take a balanced approach, which would lead to genuine improvements in people's enjoyment of their human rights.

22. **Mr. Benmehidi** (Algeria) said that the review of mandates and the periodic review of the fulfilment of human rights obligations within the Human Rights Council presented a unique opportunity for adopting a new approach to the protection of human rights. His delegation believed that the process of reviewing mandates should treat human rights equally, and not place civil and political rights on a higher level than economic, social and cultural rights. Mandates should also be streamlined to avoid duplication or overlap with other human rights mechanisms.

23. The Subcommission on the Promotion and Protection of Human Rights should focus on reflection, analysis and expertise, including the gradual development of human rights principles. The 1503 procedure for complaints should retain its confidentiality, which should be honoured by both the Office of the High Commissioner and the working groups. Universal periodic review could foster greater cooperation among States in the promotion and protection of human rights. The review should not only cover the human rights situation of all States, but should also extend to the rights of peoples under occupation. Such review must be based on honest and sincere partnership, with due recognition of the principles of universality, interdependence and the indivisibility of human rights.

24. Algeria had somewhat regained control over terrorism, and had tried, even at critical junctures, to ensure the functioning of essential social services and the economy, without renouncing nation-building or suspending the democratic process. Algeria was firm in its intention to rebuild the country and consolidate peace and sustainable development, as prerequisites for democracy, development and prosperity. To that end, the Government had given priority to far-reaching reform of the legal framework for the protection of human rights.

25. Algeria was a party to the main international human rights instruments, and had recently ratified the two Optional Protocols to the Convention on the Rights of the Child. It honoured its reporting obligations to human rights treaty bodies, and would continue to engage in dialogue with those entities as well as with other United Nations mechanisms and international NGOs in the human rights field.

26. **Mr. Acharya** (Nepal) said that Nepal strongly supported the work of the United Nations bodies in the promotion and protection of human rights, and wished to underline the need for much more coherence and

effectiveness in the conduct of such activities worldwide.

27. The current democratic Government of Nepal, established in April 2006, had undertaken a series of legislative and administrative measures to strengthen democracy and to protect and preserve human rights. The overall human rights situation in Nepal had significantly improved since the restoration of multi-party democracy and the cessation of hostilities. The Government was fully committed to resolving the decade-old conflict through peaceful means, and in that context, he expressed appreciation to OHCHR for its cooperation in safeguarding the rights and freedoms of the Nepalese. He pointed out that the report of OHCHR contained facts that needed to be verified and corrected in order to reflect the actual situation in Nepal.

28. He detailed some of the legislative and other measures taken by the Government to complement its commitment to ending impunity, and stressed its strict policy regarding the recruitment of security personnel for United Nations peacekeeping missions.

29. Nepal strove to eliminate discrimination based on race, caste, religion and gender through such mechanisms as the National Human Rights Commission, whose role was to monitor human rights violations and advise the Government where necessary. He acknowledged the need for a further strengthening of national mechanisms and institutions involved in the protection of human rights, and urged OHCHR to provide technical and financial assistance to enhance national capacity. In fulfilment of its human rights treaty obligations, Nepal had heeded the recommendation of the treaty bodies and had taken the necessary measures to that effect.

30. **Mr. Butagira** (Uganda) said that Uganda attached great importance to the promotion and protection of human rights, which were enshrined in its Constitution. Noting that his comments would be confined to the report of the Special Rapporteur on the independence of judges and lawyers (A/61/384), he said that the emphasis on individual rights sometimes came at the expense of the well-being of society or the human rights of others. Society had to be protected from dangerous criminals. The slow pace of traditional judicial bodies had led people to consider other means of expeditiously dealing with criminals without sacrificing justice. That was a legitimate concern of every law-abiding citizen and nation. Some countries, including his own, had therefore given military tribunals or courts martial jurisdiction to try civilians in well-defined circumstances, such as civilian criminals who owned a weapon — usually the preserve of the military — and used it to commit atrocities, including murder and robbery.

31. Responding to the Special Rapporteur's condemnation of the practice and recommendation that in no case should military tribunals be competent to try civilians (ibid., para. 68), he said that the important issue was not whether a military tribunal should try civilians, but whether the trial was conducted in accordance with due process in line with the rule of law. The Constitution granted the right to a fair hearing. Anyone charged with a criminal offence, whether before an ordinary court or before a tribunal, was entitled to a fair, speedy and public hearing; to representation by a lawyer of their choice; and, in cases carrying a death sentence or life imprisonment, legal representation at the State's expense. Moreover, under the Constitution, an order of habeas corpus could not be violated or suspended. Lastly, an appeal could be made all the way up to the Supreme Court. Thus, the human rights of a civilian accused of an offence before a military tribunal were safeguarded and society was protected.

32. Lastly, recalling the many people who had disappeared in his country in the 1970s, he called for the speedy adoption of the International Convention for the Protection of All Persons from Enforced Disappearance, as recommended by the Special Rapporteur.

33. **Mr. Vassylenko** (Ukraine) said that Ukraine would spare no effort to ensure that the Human Rights Council met the expectations of people around the world. As a member of that body, it was committed to fully cooperating with other Member States in order to make the Council an efficient body with a strong mandate to monitor and ensure the promotion and protection of all human rights for all, and would do its utmost to overcome the selectivity, politicization and double standards of the past.

34. Poverty was a humiliating plague that prevented the enjoyment of human rights by all. Poverty reduction — a shared responsibility, according to the 2005 World Summit — must be placed within the wider human rights context expressed in the Millennium Declaration, in order to counterbalance the

negative effects of globalization. Discrimination also denied people, particularly women and girls, their rights, freedom and dignity and exposed many groups and individuals to systematic human rights violations. Racial discrimination was on the rise in some regions, fuelled by fear of terrorism or competition for jobs. Such fears were easily manipulated, with unpredictable results.

35. Ukraine had recently become a party to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. That Protocol was the clearest repudiation of attempts to erode the protection provided in the Convention. As a party to Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty, Ukraine was also committed to acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty. Ukraine welcomed the recent adoption by the Human Rights Council of the draft International Convention for the Protection of All Persons from Enforced Disappearance and looked forward to its adoption by the General Assembly.

36. Ukraine supported efforts to promote democratic processes in Europe. To promote democracy at the regional level, Ukraine, together with Georgia, had established a Community of Democratic Choice as a forum for dialogue for Governments and peoples in the region. The Community's two recent meetings in Kyiv and Vilnius were a promising start. In May, the GUAM Group (consisting of Georgia, Ukraine, Azerbaijan and Moldova) had become a fully fledged international organization — the GUAM Organization for Democracy and Economic Development, one of the main aims of which was to foster regional cooperation on democracy, human rights and the rule of law.

37. In 2007, Ukraine would be marking the seventy-fifth anniversary of the Great Famine (Holodomor), a man-made famine organized by the totalitarian Kremlin regime that had caused the death of between 7 and 10 million people or 25 per cent of Ukraine's population. For decades, the truth had been suppressed in Ukraine, while the outside world had, by and large, remained silent. By making the truth known, Ukraine sought to show respect for the victims and raise international awareness, so as to prevent similar catastrophes in the future. Ukraine appealed to all States to support its endeavour by condemning Holodomor and helping it earn international recognition, particularly by the United Nations, as genocide against the Ukrainian nation.

38. **Mr. Mra** (Myanmar) said that, with the adoption of General Assembly resolution 60/251 establishing the Human Rights Council, the international community had agreed to address human rights from a new approach free of the shortcomings of the past. His delegation believed that the Committee's human rights-related work should be adjusted in line with that new approach. The Secretary-General's call at the Council's opening session for a culture of cooperation and commitment underlined the widely accepted view that constructive dialogue and genuine cooperation should form the bedrock for the promotion and protection of human rights in all forums, including the Committee.

39. Under resolution 60/251, the Council was responsible for promoting universal respect for the protection of all human rights for all, without distinction of any kind and in a fair and equal manner (para. 2), and the work of the Council should be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, including the right to development (para. 4). In the light of those principles, the Committee should not be allowed to continue doing business as usual, particularly with regard to country-specific proposals relating to a few selected countries. The promotion and protection of human rights must be addressed in a global context through a constructive, dialogue-based and non-confrontational approach. Only cooperation could improve human rights around the world.

40. The 1993 World Conference on Human Rights had reaffirmed the right to development as a universal and inalienable right. The right to food and the right to development were crucial rights that deserved urgent attention by the international community. The right to development should be given high priority on the Human Rights Council's agenda. His Government attached great priority to fulfilling the fundamental right to development of its entire population.

41. Myanmar had always supported the Movement of Non-Aligned Countries' condemnation of selectivity, double standards and the exploitation of human rights for political purposes. He was pleased that that position

had become virtually universal since the establishment of the Human Rights Council. Recently, a powerful country had labelled his country a threat to international peace and security in an attempt to bring the issue to the Security Council in pursuit of its own political agenda. Myanmar was obviously not a threat to its neighbours, let alone to regional or international peace and security. Consequently, placing the issue on the Security Council agenda would violate Article 24 of the Charter and constitute a clear case of encroachment by the Security Council on the functions and powers of the General Assembly. It was a clear example of politicization of human rights. Issues relating to human rights, illicit drugs and HIV/AIDS should be left to the General Assembly.

42. Cooperation with the United Nations was the cornerstone of Myanmar's foreign policy and did not exclude human rights. Myanmar had welcomed visits by the former Special Envoy of the Secretary-General for Myanmar, the Special Rapporteur on the situation of human rights in Myanmar and, most recently, the Under-Secretary-General for Political Affairs, who had been invited to visit the country again. Moreover, a national human rights committee had been established; human rights education had become part of the national curriculum; and the Government was implementing a plan of action to prevent the military recruitment of children under 18. Myanmar would continue its efforts to promote and protect human rights, particularly those of women and children.

43. **Mr. Lowenkron** (United States of America) said that the current age was one of paradox. On the one hand, the obligation of Governments to protect and nurture human rights and democratic freedoms had become a central issue for regional organizations and the United Nations. On the other, in every region there were Governments that responded to growing demands for personal and political rights not by accepting their obligations, but by oppressing those who advocated for their rights. He referred, in particular, to disturbing attempts to intimidate human rights defenders and civil society organizations and to clamp down on their efforts; unjust laws that had been wielded as political weapons against people with independent views; and attempts to silence independent voices by extralegal means. Human rights defenders must now defend not only those who suffered repression, but also themselves and their families.

44. In 1998, after 13 long years of negotiations, the General Assembly had finally endorsed the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. However, despite the efforts of the Special Representative of the Secretary-General on human rights defenders and of democratic nations, the universal precepts in the Declaration were not universally applied. The answer was not to dismiss the General Assembly as cynical or ineffective or to rationalize away lack of progress, but rather to ensure that the words of the Declaration were transformed into deeds. Human rights defenders and NGOs were essential to the success of free nations. They raised public awareness about rights; exposed abuses; pushed for reform; and held Governments accountable. Some argued that the best approach to ensuring human dignity was development, first, and democracy would follow. By that logic, only NGOs that focused on non-political issues were tolerated, while the rest were silenced. But why should people have to choose? Could they not participate in economic development and exercise their fundamental rights within a vibrant civil society? Constricting the political space for human rights defenders and civil society in general only limited a country's political and economic growth.

45. When human rights defenders and NGOs were under siege, democracy was undermined. From Cuba to North Korea, from Burma to Turkmenistan and Uzbekistan, those who sought to exercise their rights to freedom of expression, association and peaceful assembly faced unrelenting reprisals.

46. **Mr. Mra** (Myanmar), speaking on a point of order, said that his country's official name was Myanmar.

47. **The Chairman** appealed to delegations to use the official country name, Myanmar.

48. **Mr. Lowenkron** (United States of America), continuing his statement, said that in Iran opposition activists, journalists and scholars continued to be harassed and imprisoned; in Belarus, human rights and democracy activists, opposition politicians, independent trade-union leaders and journalists continued to be targets of repression, while ever-changing registration requirements made it harder or impossible for NGOs, independent media and political parties, and minority and religious organizations to

operate legally; in Zimbabwe, the crackdown on civil society and human rights defenders continued; in the Sudan, the Government continued to harass humanitarian personnel in Darfur; in China, the authorities had intensified their crackdown on citizens with independent views, arrested lawyers, journalists, and political and religious activists and believers, and introduced new restrictions on NGOs and the media; in Russia, the new NGO law's reporting and re-registration requirements and pressure on journalists raised concerns; and in Venezuela, the National Assembly was considering legislation reportedly modelled on Russia's NGO law and members of NGOs faced harassment and, in some cases, criminal charges for exercising their civic rights.

49. The international community's commitment to protect the men and women who served the cause of human rights must be as determined as the efforts of those who persecuted them. The international community must help countries develop the democratic institutions that ensured long-term respect for human rights; help fragile democracies deliver on their citizens' hopes for a better life; and call countries to account when they retreated from their international commitments. Such calls were not the calls of teachers to pupils, of West to East or of North to South, but the calls of everyone. By supporting and defending the work of human rights advocates and civil society organizations, the international community helped people across the globe to shape their own destinies and, by doing so, helped build a safer, better world for all.

50. **Mr. Nebie** (Burkina Faso) commended the Special Rapporteur on the human rights of migrants for the objectivity of his report (A/61/324). He also welcomed the report of the former Special Rapporteur on the human rights of migrants in Burkina Faso (E/CN.4/2006/73/Add.2) which highlighted the problems of migrant workers and the urgent need for measures to ensure the integration of repatriated migrants. The proposals on co-development as a lasting solution were particularly relevant, and his Government would spare no effort in implementing them.

51. Burkina Faso had served as a crossroads and host country to migrants from the sub-Saharan region. Despite its unfavourable climate and economic conditions, it had displayed tolerance, solidarity and generosity towards its guests, who lived peacefully alongside the many local ethnic groups.

52. The socio-economic problems facing nationals of Burkina Faso who had been repatriated from Côte d'Ivoire could be ascribed to the poverty prevailing in Burkina Faso and to the closing of the border with Côte d'Ivoire after the 2002 crisis. To cope with the repatriated nationals, the Government, with the support of its technical and financial partners, had launched a reintegration programme. Burkina Faso reaffirmed its commitment to the implementation of regional and international agreements for the enhanced protection of all migrants in or passing through its territory.

53. **Ms. Al Zibdeh** (Jordan), referring to the interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/61/259), said that Jordan had ratified the Convention against Torture and had fulfilled its obligations under international law. Her delegation was of the belief that torture was a most serious human rights violation that must be confronted intensively everywhere.

54. She said that the visit of the Special Rapporteur to Jordan in June 2006 illustrated the positive attitude and cooperation with which her Government approached his mission. Apparently a number of misunderstandings seemed to have arisen, and the Special Rapporteur had drawn certain conclusions with which the Government of Jordan disagreed. In the firm belief that Jordan and the Special Rapporteur were both in favour of open and productive dialogue, her delegation wished to suspend further comment until he presented his recommendations to the Human Rights Council in 2007.

55. Jordan unreservedly condemned torture, and would conduct a serious investigation into the few alleged cases identified by the Special Rapporteur. As a progressive country, Jordan faced its strengths and weaknesses responsibly and was dedicated to efforts of reform in all fields, the enrichment of the lives of Jordanians and maintaining their right to be treated humanely. Her Government therefore called for the establishment of independent and effective mechanisms for country visits, in order to ensure objective, impartial and credible assessments, giving equal consideration to the views of the Government and NGOs. She reiterated Jordan's desire to cooperate fully with the Special Rapporteur in conducting his

mandate in Jordan and elsewhere, in an impartial and credible manner.

56. **Mr. Al Saif** (Kuwait) said that his country had made efforts to spread Islam's culture of moderation by holding conferences exploring the theoretical and practical dimensions of moderation and extremism. It was illogical to link the divinely inspired and multifaceted teachings of Islam to terrorist acts committed by certain individuals who claimed to be Muslim. His delegation was troubled by the conclusion reached by the Special Rapporteur on freedom of religion or belief in her interim report (A/61/340, para. 65) that the association between Islam and terrorism was encouraged, and shared her predecessor's hope that States would refocus their efforts on the origins of terrorism and on the need to ensure protection and promotion of human rights without bias or selectivity (ibid., para. 66).

57. With respect to the Special Rapporteur's report on extrajudicial, summary or arbitrary executions (A/61/311), he pointed out that in his country capital punishment was administered only by the competent, independent judicial authorities. All death sentences were automatically referred to appeals courts, reviewed by the Court of Cassation, and subject to approval by the Head of State. Unlike in many countries that had undergone foreign occupation, Kuwait had foregone the impulse to take reprisals against collaborators, and death sentences issued for collaboration with the Iraqi occupation had been commuted to prison terms.

58. Regarding human rights defenders, in a historic case involving a public symposium organized by a lawyer and a political activist without notifying the security agencies, the Constitutional Court had recently ruled the 1969 law on public gatherings unconstitutional on the grounds that it was incompatible with democracy.

59. He also concurred with the statement by the Special Rapporteur on the right to food (A/61/306, Summary) that the death of a child every five seconds due to hunger and malnutrition-related illness was a shame on humanity. Though itself not a major food-producing country, his country had acted on its commitment to upholding the right to food by providing assistance to drought-stricken areas in times of crisis.

60. **Mr. Gayama** (Congo) welcomed the High Commissioner's emphasis on dialogue with Member States, as well as the establishment of a Rapid Response Unit to tackle human rights crises. He said that the support given by OHCHR to inquiry commissions to Timor-Leste and Lebanon during crises in those countries during the current year had also been a welcome step.

61. The Congo encouraged strengthened partnerships between OHCHR and national human rights institutions, and hoped to benefit from such a partnership. It was hoped, however, that partnerships between OHCHR and the United Nations would not cause confusion about the mandates of various partners, particularly within the framework of United Nations peacekeeping operations.

62. Poverty reduction and the Millennium Development Goals were central to human rights. Poverty was the greatest human rights challenge in all countries of the world.

63. The completion of the Draft International Convention on the Rights of Persons with Disabilities was a welcome step. Intergovernmental work on racism, the Durban Programme of Action, migration and trafficking in human beings were being followed attentively by his delegation.

64. The establishment of the Human Rights Council was a major step. Measures being taken to ensure its smooth transition from the Commission on Human Rights should be encouraged, as should proposals aimed at avoiding selectivity and politicization within the Council.

65. **Mr. Migliore** (Holy See) said that three of the themes taken up by the Special Rapporteur on freedom of religion or belief during her June 2006 visit to the Vatican merited particular attention, namely, the coexistence of different religions and religious communities, the propagation of religion and the relationship between freedom of expression and religion. Interreligious dialogue was of crucial importance.

66. Freedom of religion or belief did not exist in many parts of the world. A high level of religious intolerance in some countries was leading to new polarization and discrimination.

67. It was necessary to move beyond mere religious tolerance to the application of the principles of authentic religious freedom. A commitment to religious dialogue was needed.

68. In some places, enacted or proposed legislative or administrative measures placed limits on religious practice. In some situations, freedom of religion was used as a pretext for violating other human rights. Religious communities should not be prevented from enlightening consciences. Religious communities should not be denigrated or excluded from public debate because they did not conform to practices which ran counter to human dignity.

69. **Mr. Mason** (Australia), while welcoming the establishment of the Human Rights Council, said that its performance had been mixed. Disappointingly, the Council had given disproportionate attention to the Middle East and had failed to produce substantial outcomes on the full range of pressing human rights issues.

70. The cooperative engagement of the High Commissioner for Human Rights with Government officials and civil societies in such countries as Nepal, Cambodia and Colombia was welcome, as was its work with the Government of Sri Lanka.

71. He noted that genuine human rights progress had occurred in such countries as Indonesia, where the Parliament had ratified the two International Human Rights Covenants, and in the Philippines and other countries where the death penalty had been abolished.

72. However, serious violations persisted. The human rights and humanitarian situation in the Democratic People's Republic of Korea continued to deteriorate. Serious transgressions of the right to security of the person, limitations on freedom of movement, expression and assembly and reports of discrimination against persons with disabilities were of particular concern, as were reports of human rights abuses against people crossing the border who had been forcibly repatriated to the Democratic People's Republic.

73. In Zimbabwe, protests continued to be suppressed, with participants arrested and sometimes brutally assaulted by police. During the current year, over 230 individuals organizing a peaceful protest had been arrested.

74. In Iran, peaceful gatherings had been violently dispersed, critics of the Government had been arrested and detained and citizens, including members of the Baha'i community, had been harassed.

75. There was no justification for the Government of the Sudan to refuse to accept United Nations peacekeepers, and it should agree to their deployment without delay. It was also urged to reconsider its expulsion of the Special Representative of the Secretary-General in the Sudan.

76. In Burma, the situation of political prisoners reflected the regime's unwillingness to respect human rights and implement political reform.

77. **Mr. Mra** (Myanmar), speaking on a point of order, said that his country's official name was Myanmar.

78. **The Chairman** appealed to delegations to use the official country name, Myanmar.

79. **Mr. Mason** (Australia) said that Ang San Suu Kyi and all other political prisoners should be released immediately and unconditionally and that proper access to prisons by the International Committee of the Red Cross should be resumed. He also urged the country to receive a visit by the Special Rapporteur on human rights in Myanmar.

80. In Iraq, citizens suffered from terrorist attacks and sectarian violence. The appointment of an Iraqi Minister of Human Rights was welcome, as was progress towards establishing a national human rights commission. However, the death penalty should be abolished.

81. **Mr. Løvald** (Norway) said that, following the establishment of the Human Rights Council, the mandates, mechanisms, functions and responsibilities inherited from the Commission would be reviewed. A key task during its first year was institution-building. When dialogue was not sufficient and there was no will to improve a situation, action must be taken to help those whose voices were not being heard.

82. It was necessary to review the special-procedures system and establish a universal periodic review mechanism. The special procedures were essential to protecting human rights. They depended, however, on the willingness of Member States to cooperate fully with the mandate-holders.

83. He welcomed the report of the Secretary-General's Special Representative on human rights defenders (A/61/312). Those who fought for the fundamental rights of others deserved the greatest

possible respect and support from the international community.

84. Freedom of expression — fundamental to a democracy — could not be isolated from its context. The exercise of that freedom while respecting diversity called for an ongoing dialogue to reconcile differences.

85. The principle of non-discrimination, which was at the core of human rights, must also apply to sexual orientation. There was pervasive evidence of human rights violations based on sexual orientation and gender identity, and Norway called on the special rapporteurs to address that issue.

86. The prohibition against torture was absolute. The existence of secret detention facilities where detainees were kept in a legal vacuum was not in conformity with international law and could facilitate the perpetration of torture or in itself constitute torture or cruel treatment.

The meeting rose at 12.30 p.m.